

Rejections under 35 U.S.C. §102

Claims 1 and 3-4 are rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 5,952,073 to Hurditch et al. Applicants respectfully traverse this rejection.

Claim 1 recites a process for producing an optical recording medium containing an organic solvent in an organic dye layer in an amount of 2% to 15% by weight based on an organic dye. The process comprises applying a solution, prepared by dissolving the organic dye in the organic solvent, onto a light-transmittable substrate by a spin coating method to form the organic dye layer. Thereafter, a reflecting layer is formed on the organic dye layer without performing a drying treatment of the organic solvent left in the organic dye layer, and further forming a protective layer on the reflecting layer. In this manner, solvent contained in the organic dye layer is not removed via a drying step.

Claim 3 recites an optical recording medium having an organic dye layer, a reflecting layer and a protective layer in this order on a light-transmittable substrate. The optical recording medium contains an organic solvent in the organic dye layer in an amount of 2% to 15% by weight based on an organic dye.

It should be noted that both claims 1 and 3 recite that the organic solvent is contained in the organic dye layer in an amount of 2% to 15% by weight based on the organic dye.

Hurditch et al. '073 discloses a dye composition for use in optical recording media. All the layers recited in claim 1 are allegedly presented in this reference at col. 7, lines 10-16. The Office Action alleges that drying of the solvent is optional, referring in the reference where "After spin coating, the dye layer may be optionally dried to further remove residual solvent...." See col. 11, lines 9-10. Applicants disagree with this characterization of the reference.

Hurditch et al. '073 at col. 11, lines 9-10 implies that the solvent is removed from the applied dye layer under ambient conditions, or that removal of the solvent may be accelerated by additional drying. By stating that the drying is "additional," the reference is stating unequivocally that the "additional drying" is in addition to any drying that is already occurring or has already occurred. Furthermore, there is no indication in this reference that the reflective layer is applied to a dye layer whereby no drying step has occurred on the dye layer. That is, Hurditch et al. '073 does not disclose, teach or suggest the absence of a drying step.

Still further, the Office Action alleges that Hurditch et al. '073 "discloses the recording layer is formed by dissolving the dye mixture in a coating solvent at 2-10% by weight of the total components in the solution." Office Action at page 3, lines 2-4, referring to Hurditch et al. '073 col. 10, lines 26-29. This is a misleading interpretation, as Hurditch et al. '073 discloses a concentration of the total solid component in the coating solution for forming the recording layer. This is distinct from a content of the organic solvent in the organic dye layer recited in claims 1 and 3. Accordingly, Hurditch et al. '073 fails to disclose, teach or suggest a content of the organic solvent in the organic dye layer.

A document can only anticipate a claim if the document discloses, explicitly or implicitly, each and every feature recited in the claim. Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Since Hurditch et al. '073 fails to disclose, either explicitly or implicitly, at least the above-noted feature recited in independent claim 1, Hurditch et al. '073 cannot anticipate the claim. At lease in view of the foregoing, claim 1 is allowable, and the rejection should be reconsidered and withdrawn.

Claim 4, being dependent upon claim 3, is also allowable for the reasons above. Moreover, these claims are further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §102(e) rejection is therefore respectfully solicited.

Rejections under 35 U.S.C. §103

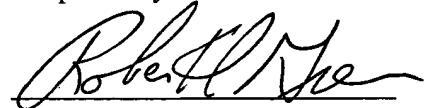
Claims 2 and 5 are rejected under 35 U.S.C §103(a) as being obvious over Hurditch '073 in view of U.S. Patent No. 5,547,728 to Cunningham et al. Applicants respectfully traverses this rejection.

Claim 2, being dependent upon claim 1, and claim 5, being dependent upon claims 3 or 4, are also allowable for the reasons above. Moreover, these claims are further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the §103(a) rejection is therefore respectfully solicited.

Conclusion

For the foregoing reasons, claims 1-5 are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of these amendments and remarks is courteously solicited. If the examiner has any comments or suggestions that would place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number below.

Respectfully submitted,



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